

Mr. HARKIN. That is right.

Mr. UDALL of New Mexico. Here is a piece of legislation where we were talking about immigrant children—through no fault of their own; they were probably brought in as tiny babies—who have grown up in the United States and have reached the age of adulthood and they have a ceiling on them. They cannot go to college. They do not have Social Security numbers. So we were basically trying to give them a dream they could go out and be Americans. They could join the military, and after they did their military service get in line for citizenship. They could go to college, and if they did well, get in line for citizenship.

In any other country, if you had the two legislative bodies—the House passed it by a majority; we passed it by a big majority, 55 votes—you would have a law. The President would be signing it, and it would be law today.

That is what has happened to this filibuster rule. A lot of the steps we are taking do not necessarily get right to the heart of that, but I think the people understand that part of it. When I have gone home, people say: What happened? What is going on? Fifty-five Senators voted for the DREAM Act and it did not become law.

Senator HARKIN.

Mr. HARKIN. If the Senator will yield, the Senator is absolutely right. I will give another example. As the Senator knows, the Supreme Court decided a case last year that allows certain entities to contribute money to political campaigns, and they do not even have to disclose who they are or how much they give. It is a Supreme Court decision.

Well, the House passed a bill, and public opinion polls show that 80 percent of the American people were in favor of what we called the DISCLOSE Act. We did not say they could not give the money. We just said they ought to file: Who are you, and how much money are you giving, and where are you getting that money from?

It passed the House. It came to the Senate. I believe we had 57 votes for that, if I am not mistaken. I could be corrected, but I think it was over 55 votes for that. But it did not pass.

The average American out there would say: Wait a minute. I thought if you got 51 votes, you won. No, no, no. Again, we had to have 60 votes in order to pass the DISCLOSE Act. The President would have signed it into law. The House passed it. Eighty percent of the American people were for it. But because there was this 60-vote threshold, we did not get it passed.

I see the Senator from Oregon.

Mr. MERKLEY. Well, I say to Senator HARKIN, I think that is a tremendous example. I believe we actually had 59 votes twice—

Mr. HARKIN. I stand corrected.

Mr. MERKLEY. I believe, one vote short needed to close debate on the motion to proceed to get to the DISCLOSE Act. So we could not even get onto the bill.

So here is a Supreme Court decision that allows unlimited—unlimited—secret foreign donations. I will tell you, as a red-blooded American, the idea of foreign companies secretly influencing American elections is outrageous, and we should have had a debate on that bill. But, instead, we had 41 Senators who said they wanted further debate, and then they were not willing to stand up on the floor to make their case before the American people. And why did they want to hide from the American people? Because the American people do not support secret foreign donations influencing American elections. That is why.

Under the talking filibuster, folks could not have filed an objection and left this Chamber and hid. They would have had to make their case, and the American people could have weighed in and said: You are a hero or you are a bum. In this case certainly most Americans, I believe, would have weighed in and said: Get to that bill. Get to a debate on it and get it done because it is the American tradition for Americans to make their decisions about who they elect, not foreign corporations to secretly spend money on American campaigns.

Mr. HARKIN. I thank the Senator. The Senator pointed out correctly—I was mistaken; I thought it was 57—it was 59 votes. You would think normally that bill would pass and it would go to the President for his signature. It was supported overwhelmingly by the American people, yet thwarted because we have the right—as I said earlier, the minority in the Senate has a right of veto. They can veto whatever they want to bring up. What sense does that make in a democracy?

I thank the Senator and yield the floor.

Mr. UDALL of New Mexico. I thank the Senator.

We see our good friend, Senator ALEXANDER from Tennessee, has arrived, and we very much appreciate that.

I say to Senator ALEXANDER, one of the things we have been discussing—and Senator MERKLEY had a chart and had the history of what had happened as far as rules debates. There have been a lot of rules debates—in the 1950s, 1960s, 1970s, and always—always—the two leaders would allow a rules proposal to be on the Senate floor and be debated and be disposed of.

We now have a situation today where we cannot get our rules proposals onto the floor. Senator MERKLEY is here with a talking filibuster proposal. I say to the Senator, I believe he has been talking with you. I say to Senator ALEXANDER, you have been very open with us in saying: Let's have discussions. And your theme has really been, like you say in your speech at the Heritage Foundation:

[The Senate needs to change its behavior, not to change its rules.]

That has been the Senator's function. But the Senator is also working on rules changes with Senator SCHUMER, and we very much appreciate that.

But I know Senator HARKIN has a proposal. Senator MERKLEY has a proposal. I have S. Res. 10. I say to the Senator, he was here on the first day of the Senate session on January 5 when we put in, with my two friends, S. Res. 10. We are just trying to get it to the floor, and that is what I am going to ask right now, with my unanimous consent request. We very much appreciate the Senator being here.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 10, a resolution to improve the debate and consideration of legislative matters and nominations in the Senate; that there be 6 hours for debate equally divided and controlled between the two leaders or their designees, with no amendments in order; and that upon the use or yielding back of time, the Senate proceed to vote on adoption of the resolution.

The PRESIDING OFFICER. Is there objection?

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, reserving the right to object, I want to congratulate the Senator from New Mexico. He has been persistent and diligent and enormously well intentioned in this effort throughout the Rules Committee hearings and throughout the floor debate in seeking a way to help make the Senate function better, at the same time preserving the Senate as a forum for deliberation and protection of minority rights.

We have a difference of opinion about whether that is best done by allowing changes of rules by 51 votes or by 67, which is the way the Senate rules currently prescribe. His proposal to change the rules certainly can be considered on the Senate floor in the regular order, and we would be happy to work with him to do that as long as it was by 67 votes.

So because of that difference of opinion, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Iowa.

#### UNANIMOUS-CONSENT REQUEST— S. RES. 8

Mr. HARKIN. Likewise, Mr. President, the Senator from Tennessee knows I have been on this issue for a long time. I have a proposal also.

Again, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 8, a resolution amending the Standing Rules of the Senate to provide for cloture to be invoked with less than a three-fifths majority after additional debate; that there be 4 hours for debate equally divided and controlled between the two leaders or their designees, with no amendments in order; and that upon the use or yielding back of time, the Senate proceed to vote on adoption of the resolution.

The PRESIDING OFFICER. Is there objection?

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, reserving the right to object, the Senator from Iowa has, for at least since the early 1990s, been forcefully arguing for his position. We have the same difference of opinion fundamentally that I mentioned in connection with Senator UDALL's amendment. We are glad for these rules changes and amendments to come to the floor, but only if they are approved or rejected with the requirement of 67 votes. So for that reason, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oregon.

#### UNANIMOUS-CONSENT REQUEST— S. RES. 21

Mr. MERKLEY. Mr. President, it has been the tradition of this Chamber, when there are rules proposals, to put them on the floor for debate and to hold that debate. Then if the body does not like that, either to defeat them outright or to table them or refer them to committee for further work.

Indeed, under the Constitution, it is in order for us to have a debate now as a simple majority to amend our rules. The Constitution calls for a supermajority for impeachments, a supermajority for treaties, but it calls for a simple majority to amend our rules and to organize ourselves.

Many Members of this body often talk about the Constitution, and it is the Constitution we are talking about right now when it calls for a simple majority to be able to organize.

So that is why, in 1953, the Senate debated Senator Anderson's resolution, eventually defeating it by tabling it. That is why, in 1957 and in 1959, they proceeded to put it on the floor—both sides agreeing that it was appropriate under the Constitution to have the debate in this Chamber—and then to either approve or to vote down or to table or to refer to committee. Then, in 1961, Anderson's rule proposal to make cloture three-fifths present and voting was referred to committee. So it was defeated again, but it was debated and referred to committee. Then the committee returned it to the floor for further debate. No one objected to us holding a debate.

In fact, here is the irony. We are talking about fixing the broken Senate because debate is unable to take place, and this very conversation we are having right now, with proposals to be put on the floor, is being objected to by the other side because they are saying it is not appropriate. But the Constitution says it is appropriate. The tradition of the Senate says it is appropriate.

So I too have a resolution to put on the floor, a proposal for debate. It is the talking filibuster proposal. It is important that Senators not be able to object to the regular order of 51 and then go home or go on vacation and hide from the American people, but that if they believe there should be ad-

ditional debate, they come to this floor and debate. The people of America believe that is what the filibuster is about: making your case before the American people. Let's make it so.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 21, a resolution to amend rule XIX and rule XXII of the Standing Rules of the Senate to enact the talking filibuster; that there be 6 hours for debate equally divided and controlled between the two leaders or their designees, with no amendments in order; and that upon the use or yielding back of time, the Senate proceed to vote on adoption of the resolution.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Mr. President, reserving the right to object, the Senator from Oregon is a former speaker of the house in Oregon, and he has been a long observer of the Senate, having come here first working for Senator Hatfield, and he has been effective and passionate in his views.

Today, I was reviewing some remarks made by largely Democratic Senators, from 4 or 5 years ago, when some Republicans got the idea that it might be a good idea to make this a more majoritarian body, and Senator SCHUMER, Senator REID, Senator Clinton, and Senator Obama all said it would be a mistake.

So although I greatly respect the Senator from Oregon, we have a difference of opinion about whether it is in the best interest of the Senate and of the country to change the rules in this way, so I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oregon.

Mr. MERKLEY. Mr. President, I thank my colleague from Tennessee for coming to the floor. I applaud his long service.

When I first came to the Senate, Senator Hatfield asked me to bring greetings to his former colleagues, and I had the chance to sit down with Senator ALEXANDER to convey those greetings and to work with him on some projects, including the advocacy for electric vehicles. It is good for the American economy, good for the strategic positioning of America in terms of our consumption of energy, and certainly good for the environment.

I wish to note that while we disagree on this, this is actually the way it should happen. We should come to the floor and share our respective views, disagree with each other, make our points. I believe, at this moment, we should be on a rule. We should be debating it. My colleague has expressed his difference of opinion in a very gracious and respectful manner, and that, too, should be a factor of Senate dialog, so I thank the Senator.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS-CONSENT REQUEST— S. RES. 24

Mr. MERKLEY. Mr. President, I submit S. Res. 24, on behalf of myself and Senator TOM UDALL, proposing a standing order of the Senate, and I ask unanimous consent that the Senate proceed to the immediate consideration of the resolution.

The PRESIDING OFFICER. Is there objection?

Mr. MERKLEY. Mr. President, for purposes of having the resolution go over, under the rule, I object.

The PRESIDING OFFICER. Objection is heard. The resolution will go over, under the rule.

Mr. MERKLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

#### NOTICE OF ISSUANCE

Mr. INOUE. Mr. President, pursuant to section 304(d) of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1384(d)), the Office of Compliance, U.S. Congress, submitted a notice of issuance of final regulations. The notice contains final regulations related to the Veterans Employment Opportunities Act of 1998—Regulations under section 4(c)(4) of that Act. The Congressional Accountability Act requires this notice be printed in the CONGRESSIONAL RECORD; therefore I ask unanimous consent that the notice be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### OFFICE OF COMPLIANCE TEXT OF REGULATIONS FOR THE VETERANS EMPLOYMENT OPPORTUNITIES ACT OF 1998

When approved by the House of Representatives for the House of Representatives, these regulations will have the prefix "H." When approved by the Senate for the Senate, these regulations will have the prefix "S." When approved by Congress for the other employing offices covered by the CAA, these regulations will have the prefix "C."

In this draft, "H&S Regs" denotes the provisions that would be included in the regulations applicable to be made applicable to the House and Senate, and "C Reg" denotes the provisions that would be included in the regulations to be made applicable to other employing offices.

PART 1—Extension of Rights and Protections Relating to Veterans' Preference Under Title 5, United States Code, to Covered Employees of the Legislative Branch (section 4(c) of the Veterans Employment Opportunities Act of 1998)